

(A) by striking “(e) The” and inserting the following:

“(e) DISPOSAL OF ACQUIRED DWELLINGS AND IMPROVEMENTS.—The”;

(B) by striking “section 8” and inserting “section 4”; and

(C) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “section 3 or 4”;

(7) in subsection (f), by striking “(f) Notwithstanding” and inserting the following:

“(f) PREFERENTIAL TREATMENT.—Notwithstanding”;

(8) by striking subsection (g) and inserting the following:

“(g) BENEFITS.—

“(1) IN GENERAL.—Not later than September 30, 2008, the Commissioner shall notify the Secretary and each Tribe of the identity of any head of household member of the Tribe that, as of that date—

“(A) is certified as eligible to receive benefits under this Act;

“(B) does not reside on land that has been partitioned to the Tribe; and

“(C) has not received a replacement home.

“(2) TRANSFER OF FUNDS.—Not later than September 30, 2008, and except as provided in paragraph (4), the Commissioner shall—

“(A) transfer to the Secretary any funds not used by the Commissioner to make payments under this Act to eligible heads of households; and

“(B) provide a notice to each Tribe regarding the amount of the funds transferred under subparagraph (B).

“(3) DISPOSITION OF TRANSFERRED FUNDS.—

“(A) IN GENERAL.—The Secretary shall hold any funds transferred under paragraph (2) for the heads of households described in paragraph (1)(A) until the date on which a request for the funds, or a portion of the funds, is submitted to the Secretary by—

“(i) an eligible head of household; or

“(ii) the Tribe, acting with the consent of such a head of household.

“(B) PAYMENT AMOUNTS.—Of the funds held under subparagraph (A), the Secretary shall make payments to the Tribe or heads of households described in paragraph (1)(A) in amounts that would have been made to the heads of households under this Act before September 30, 2008—

“(i) on receipt of a request of a head of household, to be used for a replacement home; or

“(ii) on the date of death of the head of household, if the head of household does not make a request under clause (i), in accordance with subparagraph (C).

“(C) DISTRIBUTION OF FUNDS ON DEATH OF HEAD OF HOUSEHOLD.—If the Secretary holds funds under this paragraph for a head of household described in paragraph (1)(A) on the death of the head of household, the Secretary shall—

“(i) identify and notify any heir of the head of household, in accordance with applicable law; and

“(ii) distribute the funds held by the Secretary for the head of household to any heir—

“(I) immediately, if the heir is at least 18 years old; or

“(II) if the heir is younger than 18 years old on the date on which the Secretary identified the heir, on the date on which the heir attains the age of 18.

“(D) CLAIMS OF COMPETING HEIRS.—Any claim to a distribution under subparagraph (C) that is disputed by any competing heir of a head of household shall be determined during the probate process in accordance with applicable law.

“(4) DISPUTED ELIGIBILITY CLAIMS.—

“(A) TRANSFER OF FUNDS.—Not later than September 30, 2008, the Commissioner shall

transfer to the Secretary an appropriate percentage, as determined by the Commissioner, of the funds not used by the Commissioner to make payments under this Act to eligible heads of households.

“(B) DISPOSITION OF TRANSFERRED FUNDS.—

“(i) IN GENERAL.—The Secretary shall hold any funds transferred under subparagraph (A) for any individual the status of whom under this Act is the subject of a dispute with the Commissioner.

“(ii) DISTRIBUTIONS TO HEADS OF HOUSEHOLDS.—If an individual described in clause (i) is identified by the Commissioner as a head of household described in paragraph (1), the Secretary shall distribute funds transferred under subparagraph (A) to the individual in accordance with paragraph (3).

“(h) NOTIFICATION.—

“(1) IN GENERAL.—To the extent not already provided, not later than 180 days after the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005, the Commissioner shall notify each eligible head of household who has not entered into a lease with the Hopi Tribe to reside on land partitioned to the Hopi Tribe, in accordance with section 700.138 of title 25, Code of Federal Regulations (or a successor regulation).

“(2) LIST.—On the date on which a notice period referred to in section 700.139 of title 25, Code of Federal Regulations (or a successor regulation), expires, the Commissioner shall submit to the Secretary and the United States Attorney for the District of Arizona a list containing the name and address of each eligible head of household who—

“(A) continues to reside on land that has not been partitioned to the Tribe of the head of household; and

“(B) has not entered into a lease to reside on that land.

“(3) CONSTRUCTION OF REPLACEMENT HOMES.—Before July 1, 2008, but not later than 90 days after receiving a notice of the imminent removal of a relocatee from land provided to the Navajo Tribe or the Hopi Tribe under this Act, the Commissioner shall—

“(A) make an eligibility determination with respect to the relocatee in accordance with any appropriate policy or procedure; and

“(B) on a determination under subparagraph (A) that the relocatee is eligible for relocation—

“(i) begin construction of a replacement home on any land acquired under section 6; or

“(ii) establish a fund for the benefit of the relocatee, to be administered in accordance with this section.

“(i) APPEALS.—

“(1) IN GENERAL.—The Commissioner shall establish an expedited hearing procedure for any appeal relating to the denial of eligibility for benefits under this Act (including regulations promulgated pursuant to this Act) that is pending on, or filed after, the date of enactment of Navajo-Hopi Land Settlement Amendments of 2005.

“(2) FINAL DETERMINATIONS.—The hearing procedure established under paragraph (1) shall—

“(A) provide for a hearing before an impartial third party, as the Commissioner determines necessary; and

“(B) ensure that a final determination is made by the Office of Navajo and Hopi Indian Relocation for each appeal described in paragraph (1) by not later than January 1, 2008.

“(j) PROCUREMENT OF SERVICES.—

“(1) IN GENERAL.—Notwithstanding any other provision of this Act, to ensure the full and fair evaluation of an appeal hearing before an impartial third party referred to in subsection (i)(2)(A), the Commissioner may

enter into such contracts or agreements to procure such services, and employ such personnel (including attorneys), as the Commissioner determines to be necessary.

“(2) DETAIL OF ADMINISTRATIVE LAW JUDGES OR HEARING OFFICERS.—The Commissioner may request the Secretary to act through the Director of the Office of Hearings and Appeals to make available to the Office of Navajo and Hopi Indian Relocation an administrative law judge or other hearing officer with appropriate qualifications, as determined by the Commissioner.

“(k) APPEAL TO UNITED STATES CIRCUIT COURT OF APPEALS.—

“(1) IN GENERAL.—Subject to paragraph (3), any individual who, under the procedures established by the Commissioner pursuant to this section, is determined not to be eligible to receive benefits under this Act may appeal that determination to the United States Circuit Court of Appeals for the Ninth Circuit (referred to in this subsection as the ‘Circuit Court’).

“(2) REVIEW.—

“(A) IN GENERAL.—The Circuit Court shall, with respect to each appeal described in paragraph (1)—

“(i) review the entire record (as certified to the Circuit Court under paragraph (3)) on which a determination of the ineligibility of the appellant to receive benefits under this Act was based; and

“(ii) on the basis of that review, affirm or reverse that determination.

“(B) STANDARD OF REVIEW.—The Circuit Court shall affirm any determination that the Circuit Court determines to be supported by substantial evidence.

“(3) NOTICE OF APPEAL.—

“(A) IN GENERAL.—To the extent not already provided by this Act or other applicable Federal law, not later than 30 days after a determination of ineligibility under paragraph (1), an affected individual shall file a notice of appeal with—

“(i) the Circuit Court; and

“(ii) the Commissioner.

“(B) CERTIFICATION OF RECORD.—On receipt of a notice under subparagraph (A)(ii), the Commissioner shall submit to the Circuit Court the certified record on which the determination that is the subject of the appeal was made.

“(C) REVIEW PERIOD.—Not later than 60 days after receiving a certified record under subparagraph (B), the Circuit Court shall conduct a review and file a decision regarding an appeal in accordance with paragraph (2).

“(D) BINDING DECISION.—A decision made by the Circuit Court under this subsection shall be final and binding on all parties.”

SEC. 112. PAYMENT FOR USE OF LAND.

Section 16 of the Act of December 22, 1974 (25 U.S.C. 640d-15), is amended—

(1) by striking “SEC. 16. (a) The Navajo” and inserting the following:

“SEC. 12. PAYMENT FOR USE OF LAND.

“(a) IN GENERAL.—The Navajo”;

(2) in subsection (a), by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” before “sections 8 and 3 or 4”; and

(3) in subsection (b)—

(A) by striking “(b) The” and inserting the following:

“(b) PAYMENT.—The”;

(B) by inserting “(as in effect on the day before the date of enactment of the Navajo-Hopi Land Settlement Amendments of 2005)” after “sections 8 and 3 or 4”.

SEC. 113. EFFECT OF ACT.

Section 17 of the Act of December 22, 1974 (25 U.S.C. 640d-16), is amended—

(1) by striking “SEC. 17. (a)” and inserting the following: